IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

MACA.No. 935 of 2006(A)

OPMV.311/02 MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI.

APPELLANT/PETITIONER

MAJEED @ ABDUL MAJEED,
S/O.ALIKUTTY NALAKATH HOUSE,
CHUNGATHARA AMSOM, P.O.CHUNGATHARA, NILAMBUR TALUK
MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: 3RD RESPONDENT

THE ORIENTAL INSURANCE CO. LTD.,
BRANCH OFFICER, APMC YARD, BIJAPUR.

BY ADV. SRI.V.P.K.PANICKER

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. RADHAKRISHNAN & M.N. KRISHNAN, JJ.

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M.A.C.A. NO. 935 OF 2006

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Dated this the 11th day of January, 2007.

J U D G M E N T

Krishnan,J.

This is an appeal preferred against the award of the Motor Accidents Claims Tribunal, Manjeri in O.P.(MV) 311/02. The claimant who is aged 36 years sustained compound fracture, dislocation of right ankle and lacerated wound over the right leg. He was hospitalised for a period of 46 days. The Tribunal has awarded a total compensation of Rs.46,724/- out of which Rs.28,557/- is towards medical expenses. It is challenging that decision the present appeal is preferred.

2. The Insurance Company has entered appearance. Heard both sides. The learned counsel for the appellant would contend that the income taken by the Tribunal is grossly inadequate taking into consideration of the fact that he was a healthy head load worker. There is some force in the said contention. Therefore, we enhance the amount of income to Rs.2,500/- per month. Certainly, he would have been deprived of

doing any work for a period of 3 months. So he is entitled to a compensation of Rs.7,500/- towards loss of earning for which only Rs.3,000/- is seen awarded by the Tribunal. Therefore, the additional compensation the claimant will be entitled to under that head is Rs.4,500/-. The actual loss of earning for a head load worker with a compound fracture and with a disability of ankle will certainly cause him difficulty and there will be great loss of amenities and inconvenience in life. No amount is seen provided under that head. So, we award an amount of Rs.7,000/- towards loss of amenities and enjoyment in life. Therefore, the total additional compensation the claimant will be entitled to is Rs.11,500/-.

In the result, the M.A.C.A. is partly allowed and the claimant is awarded an additional compensation of Rs.11,500/- with 7% interest on the said sum from the date of petition till realisation and the Insurance Company is directed to deposit the same within a period of two months from the date of receipt of a copy of this judgment.

K.S. RADHAKRISHNAN, JUDGE.

M.N. KRISHNAN, JUDGE.

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